

## **REMARKS/ARGUMENTS**

Claims 1-10, 12-48, and 52-108 are pending in this application, with claims 1, 39, and 75 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

### **Claim Amendments**

Independent claim 1 is amended to include the limitations of claim 11.

Independent claim 39 is amended to include the limitations of claims 49 and 50.

Independent claim 75 is amended to include the limitations of claim 15.

Claims 11 and 49-51 are canceled without prejudice or disclaimer.

Claims 24-25, 27, 30, 32, 34-35, 37-38, 60-61, 63, 66, 68, 70-71, 73-74, 94-95, 97, 100, 102, 104-105, and 107-108 are amended to implement minor editorial corrections.

### **Rejection of Claims under 35 U.S.C. §§102 and 103**

Claims 1-34, 36-70, 72-104, and 106-108 stand rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 6,269,157 (Coyle).

Claims 35, 71, and 105 stand rejected under 35 U.S.C. §103 as unpatentable over Coyle.

Independent claim 1 has been amended to include the limitations of claim 11 and now recites "the incentive data including a decrement amount allowing the incentive data to change according to predetermined rules".

In the rejection of claim 11, the Examiner alleges that this limitation is shown at col. 12, lines 15-45 of Coyle. However, that section of Coyle states only that the Moderator feeds back to the Carriers the transmission of bidding data and that the Carriers have the opportunity to adjust their bids before the cutoff time. Coyle does not disclose, teach, or suggest

that the Carrier can submit a decrement amount with the incentive data. Accordingly, Coyle fails to disclose, teach or suggest "the incentive data including a decrement amount allowing the incentive data to change according to predetermined rules", as now expressly recited in independent claim 1.

In view of the above amendments and remarks, independent claim 1 is not anticipated by Coyle under 35 U.S.C. §102.

Independent claim 39 is amended to include the limitations of claims 49 and 50, which correspond to claims 13 and 14, and now recites "wherein the routing data specifies first and second ports or specifies a trunk line". In the rejection of claims 13 and 14, the Examiner alleges that these limitations are shown at col. 9, lines 40-65 of Coyle. However, that section of Coyle states only that the route is a service from an originating switching point to a terminating switching point. There is no indication that a generated route in Coyle specifies input and output ports or specifies a trunk line, as now recited in independent claim 39.

In view of the above amendments and remarks, independent claim 39 is not anticipated by Coyle under 35 U.S.C. §102.

Independent claim 75 is amended to include the limitations of claim 15, and now recites "the service request including a specified closing time for receipt of incentive data from the supplier". In the rejection of claim 15, the Examiner alleges that this limitation is shown at col. 11, lines 45-65 of Coyle. This portion of Coyle does disclose a cut-off time for submitting bids for a block of time. However, there is no teaching or suggestion in Coyle that a closing time is included in the service request input by a buyer of data services.

In view of the above amendments and remarks, independent claim 75 is not anticipated by Coyle under 35 U.S.C. §102.

Dependent claims 2-38, 40-48, 51-74, and 76-108 are allowable for at least the same reasons as are independent claims 1, 39, and 75, as well as for the additional recitations contained therein.

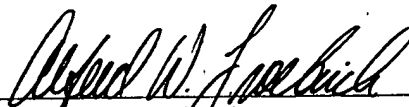
The application is now deemed to be in condition for allowance and notice to that effect is solicited.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

Respectfully submitted  
On behalf of co-owner Arbinet-thexchange, Inc.,  
COHEN PONTANI LIEBERMAN & PAVANE LLP

Date: December 4, 2007

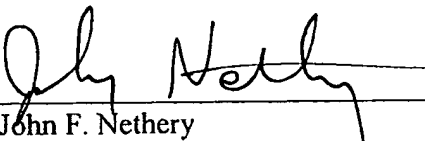
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